THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

–

WRIT PETITION No : 18960 of 2005

Dated: 25-08-2005

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Between:

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Konala Mangayamma and others

Petitioners…

And

The District Collector,

East Godavari District, Kakinada and others.

Respondents…

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ORDER:

This writ petition is filed seeking Writ of *Mandamus* to declare the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioners over the land admeasuring Ac.1.50 cents in Survey No.159/1, 6, 9; Ac.1.00 in Survey No.156/3 and 7; Ac.1.50 cents in Survey No.153/8, 154/1 and 166/5 and Ac.1.00 in Survey No.152/10 and 11 of Ubalanka Village, Ravulapalem Village, East Godavari district without recourse to law even without issuing notice to the petitioners as illegal and arbitrary and for a consequential direction to the respondents not to dispossess the petitioners from the said land.

The case of the petitioners is that the 3rd respondent assigned an extent of Ac.1.50 cents; Ac.1.00 cents; Ac.1.50 cents and Ac.1.00 cents in Survey Nos.159/5, 6 & 9;
156/3 & 7; 153/8, 154/1 & 166/5 and 152/10 & 11 vide patta Nos.394/94; 257/93; 393/94 and 257/93 dated
02-08-1994; 30-03-1993; 02-08-1994 and 30-03-1993 respectively and they have been in possession and enjoyment of the same.

The 3rd respondent, Mandal Revenue Officer, after conducting an enquiry, issued pattadar passbooks and title deeds in their favour. The petitioners state that they have invested huge amount for changing the land into cultivable land since the land was lanka land and raised coconut crop in the said land and also raising seasonal crops for eking out their livelihood.

The grievance of the petitioners in this writ petition is that the 3rd respondent even without initiating any proceedings or issuing notice to them, informed that their land will be resumed and instructed his subordinates to take possession of the land in question. The petitioners state that they resisted the action of the respondents as they are in possession of the land in question and demanded for supply of a copy of the order, if any, but no such order or notice was supplied to them. The petitioners state that the pattas granted in their favour in respect of the land in question are still in subsistence. Further they state that though right of appeal is provided under standing orders, no such opportunity was given to them and the village servant directed them not to do any agricultural operations in the land in question. Hence, the petitioners have come up with the present writ petition seeking the aforementioned relief.

Heard the learned counsel for the petitioners, learned Government Pleader for Revenue and perused the material on record.

On a bare perusal of the material available on record,
it appears that the petitioners are in possession of the land in question which

was assigned to them by the 3rd respondent and also issued pattas and title deeds in their favour and the same are still subsisting. The petitioners contend that the respondents have not issued any notice whatsoever to resume the land in question and are apprehending their dispossession from the same.

In the facts and circumstances of the case and without expressing any opinion on the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to dispossess the petitioners from the land in question without following the due process of law.

The Writ Petition is accordingly disposed of at the stage of admission. No order as to costs.

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ELIPE DHARMA RAO, J

Dated: 25-08-2005

LSK